

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL/REDEVELOPMENT AGENCY
and
RIALTO UTILITY AUTHORITY
MINUTES
July 6, 2004**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, July 6, 2004.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 4:00 p.m.

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The roll was called and the following were present: Mayor Vargas, Mayor Pro Tem Wilson and Council Members Hanson and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee. Council Member Robertson was absent.

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CLOSED SESSION

1. Conference with Legal Counsel – existing litigation. The City Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):

- (a) City of Rialto v. United States Department of Defense, et. al.
(United States District Court Case No. EDVC 04-00079)
- (b) Loanstar Mortgage Services, LLC v. City of Rialto Waste Management, et. al.
(San Bernardino Superior Court No. SCISS115620)

2. Conference with Legal Counsel – anticipated litigation. The City Council will meet with its legal counsel to discuss initiating litigation pursuant to Section 54956.9, subdivision (c) of the Government Code with respect to two potential cases.

CLOSED SESSION

3. Conference with Real Property Negotiator pursuant to California Government Code Section 54956.8 and Government Code Section 54954.5(b):

Property: 160 West Merrill Avenue
APN# 0131-051-15

Agency

Negotiators: Robb Steel, Redevelopment Director
John Dutrey, Housing Preservation Specialist
on behalf of the
Redevelopment Agency of the City of Rialto

Negotiating

Parties: Ron Juskiewicz, Property Owner
Dale Forester, Property Owner

Under

Negotiation: Price and Terms of Payment for Acquisition
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CLOSED SESSION

Motion by Mayor Pro Tem Wilson, second by Council Member Sampson and carried by unanimous vote to go into Closed Session. City Council went into Closed Session at 4:02 p.m. and returned at 5:00 p.m.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 6:03 p.m.

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The roll was called and the following were present: Mayor Vargas, Mayor Pro Tem Wilson, Council Members Hanson and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee. Council Member Robertson was absent.

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Pledge of Allegiance and Invocation

Council Member Hanson led the pledge of allegiance. Council Member Joe Sampson gave the Invocation.

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CITY ATTORNEY'S REPORT ON CLOSED SESSION

City Attorney Owen stated that in Closed Session the City Council conferred with its Attorney regarding each of the items of existing litigation and two potential cases as shown on the Closed Session portion of the agenda. The City Council authorized the defense of Lonestar Mortgaging Services v. City of Rialto Waste Management by the City Attorney's Office. The City Council also authorized the City Attorney's Office to pursue two items of civil litigation against property owners operating used car sales facilities.

**CITY ATTORNEY'S REPORT ON
CLOSED SESSION**

City Attorney Owen stated that the facilities located at 822 and 854 West Valley Blvd. in essence to force them to put in landscaping that is required as a condition of their development. The City Council also conferred with its property negotiator regarding the property at 160 West Merrill Avenue.

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**PRESENTATIONS AND
PROCLAMATIONS**

Chief Michael Meyers presented Awards of Achievements to Lt. Kathy Thompson and Cpl. Dean Hardin for successfully attaining their educational degrees. Lt. Kathy Thompson received her Bachelor's Degree in Business Management in 2002 and her Master's Degree in Organizational Management in June 2004 from the University of Phoenix and Cpl. Dean Hardin received his Bachelor's Degree in Business Management from the University of Phoenix.

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Corey Jackson, Chairperson of the Beautification Commission presented the "Develop Rialto Neighborhood Areas" one of their projects of the Great Neighborhood Program. They will have a Public forum July 8th in City Council Chambers and August 12th at the Rialto Senior Center.

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Corey Jackson, Chairperson of the Beautification Commission presented awards to recognize Rialto homeowners who have done a magnificent job maintaining their homes.

Distinguished Home Awards

Mr. & Mrs. Mansell - 297 Woodcrest St.

Mr. & Mrs. Olinger - 950 E Mariposa Dr.

Mr. & Mrs. Bryan – 738 W. Winchester Dr.

Mr. & Mrs. Martinez - 916 N. Pine Ave.

Mr. Adams - 2075 Autumn Mist Dr.

Mr. & Mrs. Sandoval - 991 Yucca Ave.

Most Unique Home

Mr. & Mrs. Umana – 101 N. Magnolia Ave.

Best Curb Appeal

Mr. & Mrs. Daniels – 968 W. La Gloria Dr.

Most Effective Landscaping

Mr. & Mrs. Busso – 625 Holliday Place

**PRESENTATIONS AND
PROCLAMATIONS**

Most Improved Home

Mr. & Mrs. Chapman - 1066 W. Buxton Dr.

Home of the Year

Mrs. Ernestine Rice - 150 E Van Koevering St.

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Joe Flores Jr., Chairperson of the Downtown Rialto Business Improvement District Association presented an update report on what BIDA has accomplished.

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Police Sergeant Craig Crispin presented the report for the June Code Enforcement activities.

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City Attorney Owen gave an update on Federal Assistance for Perchlorate Remediation.

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Mike Story, Development Services Director presented an update on the Development Services Department activities.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

1. Resolution No. 48 (6/11/04)
2. Resolution No. 49 (6/18/04)
3. Resolution No. 50 (6/25/04)

C. APPROVAL OF MINUTES

1. Regular RDA/City Council Meeting – April 20, 2004

D. MISCELLANEOUS

1. Request City Council to adopt **1) Resolution No. 5112** calling and giving notice of holding a General Municipal Election on November 2, 2004; **2) Resolution No. 5113** requesting the Board of Supervisors to consolidate this Election with the Statewide General Election, and **3) Resolution No. 5114** adopting regulations for candidates pertaining to candidate statements.

CONSENT CALENDAR

D. MISCELLANEOUS (continued)

2. Request City Council to adopt **Resolution No. 5115** to amend the budget for the amount of \$21,122 and approve task order for Mid-Valley Sanitary Landfill Pavement Impact Truck Counts, Project No. 040208.
3. Request City Council to adopt 1) **Resolution No. 5116** ordering the preparation of an Engineer's Report for **Street Lighting District No. 1** and setting a Public Meeting for *July 20, 2004* for receiving public comment on the proposed assessments; 2) **Resolution No. 5117** giving preliminary approval of the Engineer's Report; 3) **Resolution No. 5118** declaring intention to levy and collect assessment and setting a Public Hearing for **August 3, 2004**.
4. Request City Council to adopt 1) **Resolution No. 5119** ordering the preparation of an Engineer's Report for **Landscape Maintenance District No. 1** and setting a Public Meeting for *July 20, 2004* for receiving public comment on the proposed assessments; 2) **Resolution No. 5120** giving preliminary approval of the Engineer's Report; 3) **Resolution No. 5121** declaring intention to levy and collect assessment and setting a Public Hearing for **August 3, 2004**.
5. Request City Council to adopt **Resolution No. 5122** amending the budget by \$24,000 for STAT Physicians Services for ambulance billing services, Purchase Order No. 2004-1223.
6. Request City Council to adopt **Resolution No. 5123** setting the special tax levy for CFD 87-1 and **Resolution No. 5124** setting the special tax levy for CFD 87-2 to zero (0).
7. Request the Redevelopment Agency to approve the Agreement between the Redevelopment Agency and the Rialto Chamber of Commerce for fiscal year 2004/05 in the amount of \$40,000.
8. Request the Redevelopment Agency to approve the Commercial Sign and Paint Grant Program and Guidelines for the Rialto Downtown Project Target Area.
9. Request City Council to approve the low bid of \$18,172.93 and award the contract to Body Concept, LLC, for wood floor installation at the Racquet and Fitness Center.

CONSENT CALENDAR

D. MISCELLANEOUS (continued)

10. Request City Council to approve the contract fees for Fiscal Year 2004/05 with MuniFinancial. Inc., to provide various debt-related administration services for an estimated amount of \$17,000.
11. Request City Council to authorize the expenditure of \$2,500 for a Silver underwriter contribution to the Water Resource Institute to assist in underwriting The Perchlorate Documentary "Blast from the Past."
12. Request City Council to make findings of continuing the Emergency for the Acquisition of Wellhead Treatment.

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Motion by Mayor Pro Tem Wilson, second by Council Member Sampson and carried by unanimous vote to approve the Consent Calendar as presented.

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PUBLIC HEARING

TAB 1 - New Landscaping & Lighting District

Assistant City Administrator Warner stated that the purpose of this item is to hold a public hearing on the new proposed Landscaping and Lighting District in the City. Last meeting the City Council approved a couple of resolutions one of which was to initiate proceedings and create the preliminary Engineer's Report and the approval of the Preliminary Engineer's Report based upon initial findings of staff.

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Lyn Gruber, MuniFinancial stated that this will be the City's second Landscaping and Lighting District. This will include six new developments both residential and commercial. The purpose is to fund the landscaping and lighting that will be installed with regard to these developments. This District will include an inflationary factor so that the assessments may be increases based upon the consumer price index on an annual basis. The ballots have been mailed to the property owners and will be counted at the end of the public hearing scheduled to be held on August 3rd. If there is not a majority protest at that time the District can be formed and will be assessed for fiscal year 2004/2005

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Mayor Vargas declared the Public hearing open.

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Motion by Mayor Pro Tem Wilson, second by Council Member Sampson and carried by unanimous vote to close the public hearing.

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NEW BUSINESS

TAB 2 - PSA with Hayer Consultants, Inc. for building plan review and on-call inspection services

Mike Story, Development Services Director stated that in October 2000 the City Council approved a professional service agreement with Hayer Consultants for building and safety plan check review services. The Chief Building Official has been doing limited plan checking on development permits as time allows, but due to the increase in the amount of projects being reviewed by the building division continue to provide the quality and timely customer service it would be necessary to continue using Hayer Consultants to perform plan check services. They will continue to perform the plan checking for architectural, structural, electrical, plumbing, and mechanical and fire services and Title 24 energy and accessibility requirement for 42% of the building permit fee and the fire safety plan check service will be performed at \$55 per hour. On-call inspection will be charged at a rate of \$58-\$74 per hour depending on the type of inspection needed. The Building Division has been satisfied with the work being performed by Hayer Consultants. At this time it's estimated that the cost for Hayer Consultants to perform the plan check inspection service for 04/05 fiscal year \$246,000. The funds that are approved and available will be paid for the Development Services Building contract Services expenditure account. All of the costs related to this are coming from the development impact fees and no cost related to the General Fund. Staff recommends approval of the extension of the Professional Services Agreement with Hayer Consultants for building plan check review and on-call inspection service for an amount not to exceed \$246,000.

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Mayor Pro Tem Wilson asked if the original Agreement was from a competitive bid process?

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Mike Story, Development Services Director stated that yes, it was through the Purchasing Department.

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Mayor Pro Tem Wilson asked if there was a limit to the number of extensions, dollar amount and timeline.

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Mike Story, Development Services Director stated that he was not aware of one and thinks because as long as they are satisfied with that service they will continue on with it in that format.

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NEW BUSINESS

TAB 2 - PSA with Hayer Consultants, Inc. for building plan review and on-call inspection services

Mayor Vargas stated that staff had done a reviewing of other cities and they are charging 75% - 80%.

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Mike Story, Development Services Director stated that Hayer Consultants has maintained the 42% since 2000.

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Motion by Council Member Hanson, second by Council Member Sampson and carried by unanimous vote to approve the extension of the Professional Services Agreement between the City of Rialto and Hayer Consultants, Inc., for building plan review and on-call inspection services for an amount not to exceed \$246,000 for the 2004/05 fiscal year.

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TAB 3 – PSA with Willdan for building inspection services

Mike Story, Development Services Director stated that in August 2000 the Development Services Department entered into a contract with Willdan for building inspection services on as an as needed basis. Due to the continued increase in activity and provide that service, staff recommends continuing the services of Willdan in this upcoming fiscal year. With the reassigned duties of the Building Division they felt it was necessary have a Building inspector in-house to monitor the tracking of plans, calculation of building fees and provide public over the counter information. The increase in the activity has made it necessary to utilize Willdan for inspection services. Funds are approved and available in the Building Division contract service account. None of the funds are coming out of the General Fund and all through the development fees collected.

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Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to approve to extend the Professional Services Agreement between the City of Rialto and Willdan for building inspection services for an amount not to exceed \$250,000 for fiscal year 2004/05.

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TAB 4 - PSA with Boyle Engineering for Engineering Plan Check Services

Mike Story, Development Services Director stated that last year through the Public Works Department they entered into a Professional Service Agreement with Boyle Engineering for professional engineering support for the Public Works and Engineering projects.

NEW BUSINESS

TAB 4 - PSA with Boyle Engineering for Engineering Plan Check Services

Mike Story, Development Services Director stated that due to the continued increase it is staff's opinion that it is necessary to continue using Boyle Engineering for an on-call basis for engineering plan check for the 04/05 fiscal year. The proposed cost for these plan checking services are \$800 per sheet for grading and street improvements and sewer and water plans and fee per sheet will be charged for parcel maps and tract maps. Part of the reassignment of the private development function of Engineering to Development Services was necessary to provide quality customer service and adequately plan check in a timely manner. Because of this increase in private development to engineering, it's been necessary for us to utilize Boyle Engineering on numerous occasions. They are the firm that utilized the plan check they used for target. That particular project, the number of sheets they were plan checking was 120 sheets for the Target Development. For them to do that in-house they would have to stop all other projects and concentrate on the one. Staff has been very satisfied with Boyle's services provided. The Funds are approved and available from development fees collected.

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Motion by Council Member Hanson, second by Mayor Pro Tem Wilson and carried by unanimous vote to extend the Professional Services Agreement between the City of Rialto and Boyle Engineering for temporary Professional Services for Engineering Plan Check Services for fiscal year 2004/05 for an amount of \$150,000.

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Mayor Pro Tem Wilson stated that he owns a business that contracts with public agencies, the signing authority for one of those agencies is the spouse of the Principal for the Contractor in question and wished to remove himself from the dais.

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TAB 5 – Increase On-Call Professional Engineering Services Agreement with Associated Engineers

Assistant City Administrator Warner stated that this is to increase the on-call Professional Services Agreement with Associated Engineers. Last year the Public Works Department went through a competitive bid process and chose a number of on-call engineering firms. From that list Associated Engineers was chosen to do the construction management and related items for the State Route 210 utility Relocation required. All the funds for the relocation are reimbursable from the State Department of Transportation which they will eventually get back. They had an agreement for an amount not to exceed \$150,000 as the construction started and they ran into different things.

NEW BUSINESS

TAB 5 – Increase On-Call Professional Engineering Services Agreement with Associated Engineers

Assistant City Administrator Warner stated that Caltrans has required additional soils testing and a number of other things to keep the utility relocation moving. Per their agreement they have went ahead and authorized the funding. Tonight staff is bringing an extension of that contract to allow for the additional construction and soils testing which is in the amount of \$92,000 as well as an additional \$56,000 to allow for Associated Engineers construction site management of this project. This increase will raise the overall contract from \$150,000 to \$300,000 and should go for the life of the project to get the necessary utility relocations done and they will be reimbursed by Caltrans.

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Motion by Council Member Sampson, second by Council Hanson and carried by a 2-1-1 vote to approve to increase to the On-Call Professional Engineering Services Agreement with Associated Engineers from \$150,000 to \$300,000 for soils testing and related construction management costs associated with the SR210 Utility Relocation Project. Mayor Vargas vote no and Mayor Pro Tem Wilson abstained from voting. Council Member Robertson was absent.

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Mayor Pro Tem Wilson returned to the dais.

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TAB 6 – Commercial Rehabilitation Seismic Retrofit Program

Robb Steel, Economic Development Director stated that this is the third phase of the commercial rehabilitation program for downtown Rialto. They completed three buildings in calendar year 2003. They have three additional buildings under construction. This last phase consists of four buildings, the most prominent; The Johnson Hardware Building. The project was placed on the Agenda earlier this year for permission to bid and three bids were received as noted in the staff report. Spec Builders were the lowest responsible bidder at \$318,064 and with the 10% contingency its estimated at \$350,000. Construction costs have been going up across the country and rumored that China and other International situations have caused steel, concrete and lumber to go up in price. They have asked the City Council to grant a waiver to the rule of a maximum grant to each property. The project consists of two components; the seismic rehabilitation - \$15-\$20 a square foot and the façade work - \$1,000 a front foot. There are three funding sources: CDBG allocated in prior years, tax exempt bond proceeds, and tax increment monies to pay for the loan portion of the program. This project should take 60-90 days to complete starting in early September.

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NEW BUSINESS

TAB 6 – Commercial Rehabilitation Seismic Retrofit Program

Motion by Council Member Sampson and second by Council Member Hanson and carried by unanimous vote to award the Construction Contract for Commercial Rehabilitation/Seismic Retrofit Program Phase 2B at 115 S. Riverside Ave., 136 S. Riverside Ave., 144-146 S. Riverside Ave. and 148 S. Riverside Ave. with Spec Builders in the amount of \$349,870.

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Revisit Tab 5

Motion by Council Member Sampson, second Mayor Vargas and carried by unanimous vote to approve to revisit the vote for Tab 5.

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Motion by Council Member Hanson, second by council Member Sampson and carried by a 3-0-1 vote to approve to increase to the On-Call Professional Engineering Services Agreement with Associated Engineers from \$150,000 to \$300,000 for soils testing and related construction management costs associated with the SR210 Utility Relocation Project. Mayor Pro Tem Wilson abstained from voting and Council Member Robertson was absent.

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ORAL COMMUNICATIONS

John Hornback, expressed his concern regarding the timing of the lawsuit filed by a police officer against the City.

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Rosko Kidwell, 522 W. First St., expressed his concern on the improvements needed at Andreson Park.

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June Overholt, Chief Financial Officer gave the financial report for the month of March representing 75% of the year complete.

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REPORTS

Mayor Pro Tem Wilson sated that the Chamber of Commerce had their Installation Luncheon.

Mayor Pro Tem Wilson stated that the Friends of Rialto Senior Center had their meeting.

Mayor Pro Tem Wilson stated that the City of Fontana had a ground breaking for an auto mall.

Mayor Pro Tem Wilson stated that he attended the Economic Development Sub-Committee Meeting.

REPORTS

Mayor Pro Tem Wilson stated that the Make a Wish Foundation was in town.

Mayor Pro Tem Wilson stated that he spoke at the Teen Convention with Dr. Garrett hosted by Bethlehem Temple Community Church.

Mayor Pro Tem Wilson stated that the East Rialto Kiwanis Club celebrated it's 40th anniversary.

Mayor Pro Tem Wilson stated that he judged a food tasting contest from local chefs as a fundraiser at the California Speedway to benefit the 2nd Harvest Food Bank.

Mayor Pro Tem Wilson stated that he participated in the Derrick Para, who is the Olympic Gold and Silver Medalist in speed skating, Golf Tournament to raise money for various charities.

Mayor Pro Tem Wilson stated that he met with the Superintendents from Rialto and Colton School District to discuss various concerns.

Mayor Pro Tem Wilson stated that he met with Assemblymember Dymally to discuss regional issues.

Mayor Pro Tem Wilson stated that the Boys & Girls Club is still under construction and Senator Barbara Boxer who was instrumental in obtaining some of the funding was in town to view the facility.

Mayor Pro Tem Wilson stated that he had a lot of calls about illegal fireworks. They had the Police and Fire Departments issuing citations and confiscating illegal fireworks.

Mayor Pro Tem Wilson expressed well wished to Council Member Deborah Robertson who had a visit to the dentist and is recovering.

Mayor Pro Tem Wilson stated that as reminder; Northbound Cedar Ave. at Easton Ave. will be a permanent closure beginning this Friday.

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Council Member Hanson stated that she participated in the Citizens Emergency Response Team where they planned and conducted a disaster drill at the Rialto Community Playhouse.

Council Member Hanson stated that she participated in the Fireworks Hotline since June 28th.

Council Member Hanson stated that the Rialto Community Playhouse currently has a play called "Fix-It".

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REPORTS

Council Member Sampson stated that Fire Capt. May attended his Neighborhood Watch Meeting, and he indicated that in one investigation where at one residence they recovered several hundred pounds of illegal fireworks with the possibility of it exploding a two house radius around the house. He stated that he herd about more illegal fireworks this year than in the past which is not in their best interest.

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Mayor Vargas stated that she attended her Granddaughter's school in Redlands to speak to her class.

Mayor Vargas stated that she was impressed with the Make A Wish Foundation where 10 yr. old Wilmer wanted to be a firefighter and meet the Mayor.

Mayor Vargas stated that she attended an Elementary School Promotion Celebration.

Mayor Vargas stated that she was pleased that Senator Barbara Boxer took the time to come to the Boys & Girls Club and thanked her and Congressman Joe Baca for getting funds for the Boys & Girls Club.

Mayor Vargas reminded residents to take advantage of the free dump day on July 10th.

Mayor Vargas thanked Corey Jackson for making a difference in the community.

Mayor Vargas stated that she remembers when they had fireworks shows for the community and is concerned about the illegal fireworks. She asked the residents who use safe and sane fireworks to please pick up the trash from the streets.

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City Administrator Report

City Administrator Garcia expressed his appreciation and thanks to the camera crew.

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ADJOURNMENT

Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to adjourn the meeting.

The City Council adjourned at 8:13 p.m.

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MAYOR GRACE VARGAS

ATTEST:

CITY CLERK BARBARA A. McGEE, CMC